

$\frac{1}{2} \log \frac{1}{2}$
 $\frac{1}{2} \log \frac{1}{2}$
 $\frac{1}{2} \log \frac{1}{2}$
 $\frac{1}{2} \log \frac{1}{2}$
 $\frac{1}{2} \log \frac{1}{2}$

2010 MAR 31 PM 12: 23

DECEMBER

~~~~~

39 453

**CONFIDENTIAL - 630-B**

## JURY TRIAL

A.

3. On October 9, 2009, Plaintiffs sued Defendants for alleged defamation and slander per se in the 86<sup>th</sup> Judicial District Court of Kaufman County, Texas.

4. Defendant received notice of the suit on March 9, 2010. Defendants files this notice of removal within the 30-day time period required by 28 U.S.C. §1446(b).

**B.**  
**BASIS FOR REMOVAL**

5. Removal is proper because there is complete diversity between the parties. 28 U.S.C. §1332(a); *Darden v. Ford Consumer Fin. Co.*, 200 F.3d 753, 755 (11th Cir. 2000). Plaintiffs are a Texas corporation and an individual who is a citizen of Texas. None of the Defendants are citizens of the State of Texas. Defendants Reissman and Tovey are individuals who are citizens of New York State. Defendant Kimmins is a citizen of Great Britain.

6. The amount in controversy exceeds \$75,000.00, excluding interest, costs, and attorney fees. 28 U.S.C. §1332(a). Plaintiff alleges in its *Original Petition* the Defendants are liable for the following damages:

Plaintiff Langston has endured shame, embarrassment, humiliation, and mental pain and anguish. Plaintiff Buccaneer has suffered loss of reputation, good name, and standing in the business community. Additionally, Plaintiffs have and will in the future be seriously injured in their reputation, good name, standing in the community and will be exposed to the hatred, contempt, and ridicule of the public in general as well as of their business associates, clients, friend, and relatives.

Although, Plaintiffs do not allege a specific amount in controversy in their petition, it is apparent from both the nature and severity of their allegations the amount in controversy exceeds \$75,000.00. *See White v. FCI USA, Inc.*, 319 F.3d 672, 674 (5th Cir. 2003) (finding Plaintiff's lengthy list of compensatory and punitive damages, such as emotional distress, exceeded the \$75,000.00 amount in controversy requirement).

7. All Defendants consent to the removal of this case to federal court. *Balazik v. County of Dauphin*, 44 F.3d 209, 213 (3rd Cir. 1995); *see* 28 U.S.C. §1446(a).

8. All pleadings, process, orders, and other filings in the state court action are attached, as Exhibit "A", to this notice as required by 28 U.S.C. §1446(a).

9. Defendant will promptly file a copy of this notice of removal with the clerk of the state court where the action has been pending.

**C.**  
**JURY DEMAND**

10. Plaintiff did not demand a jury in the state court action.

11. Defendants assert their rights under the Seventh Amendment to the U.S. Constitution and demand, in accord with Federal Rule of Civil Procedure 38, a trial by jury on all issues.

**D.**  
**CONCLUSION**

12. Complete diversity exists between the parties and the amount in controversy exceeds \$75,000.00. For these reasons, Defendants asks the court to remove the action to the United States District Court for the Northern District of Texas, Dallas Division

Respectfully submitted,

**The Rosenblatt Law Firm, P.C.**

4103 Parkdale Street

San Antonio, Texas 78229

Tel: (210) 562-2900

Fax: (210) 562-2929

By: 

JAMES D. ROSENBLATT

State Bar No. 00788320

SHAN MARIE EGLISKIS

State Bar No. 24059712

ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of DEFENDANTS' NOTICE OF REMOVAL was served via facsimile transmission and/or regular U.S. mail, postage pre-paid, to the following counsel of record, on this 30<sup>th</sup> day of March 2010:

Jesse Blanco  
P.O. Box 680875  
San Antonio, Texas 78268  
Phone – (210) 509-6925  
Fax – (210) 509-6903

Via Facsimile (210) 509-6903

A handwritten signature in black ink, appearing to read "James D. Rosenblatt", is written over a horizontal line.

JAMES D. ROSENBLATT  
SHAN MARIE EGLISKIS

# **Exhibit “A”**

**Sandra Featherston**  
**District Clerk**



Kaufman County

County Courthouse  
100 W. Mulberry St.  
Kaufman, Texas 75142  
972-932-0274

March 30, 2010

This is to certify the following documents are true and correct copies of originals on file in Cause No. 79695-86 styled Joseph "Chip" Langston, Buccaneer Energy Corporation vs. Walter Reissman, Joseph Tovey, and Andrew Kimmins

Witness my hand and seal of office in the city of Kaufman, Kaufman County, Texas on this the 30<sup>th</sup> day of March, 2010.

Sandra Featherston  
District Clerk  
Kaufman County, Texas

By: *Susan Cook*  
Deputy Clerk







3. Defendant Tovey is a natural person and may be served with process at 40 Wall St., New York, New York 10005.
4. Defendant Kimmins is a natural person and may be served with process at HSSL 14 Rue du Rhone, Geneva, CH-1200.

#### BACKGROUND

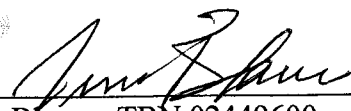
5. As recently as September 17, 2009 and for several months after that, Defendants made numerous remarks to one or more officers of Park Cities Bank, Dallas, Texas, which is not a party to this cause of action, regarding Plaintiff Buccaneer's business practices and Langston's honesty and integrity.
6. These defamatory statements constitute slander per se because they asserted that the Plaintiffs were guilty of dishonesty and gross misconduct.
7. As stated in Paragraph 5 above, one or more of the Defendants published the defamatory statements on September 17, 2009, and upon information and belief, number times before that to one or more officers of Park Cities Bank.
8. The defamatory statements set forth above are false. The truth is that Plaintiffs have always conducted their business activities in an honest and truthful manner, which contradicts the assertions made in the defamatory statements.
9. The Defendants made the false and defamatory statement(s) set forth above by negligently failing to state the truth. The Defendants either knew or should have known in the exercise of ordinary care that the statements were false.
10. The Plaintiffs have conducted business with Park Cities Bank for several years and the false and defamatory statements have caused great harm to Plaintiffs' reputation and business relationship with said bank.


11. Prior to the Defendants' defamatory remarks, the Plaintiffs enjoyed an excellent professional reputation. Plaintiffs conducted business with Park Cities Bank without ever having to deal with negative impact on their banking relationship.

#### DAMAGES

12. As a direct and proximate result of the Defendants' false and defamatory statements, the Plaintiff Langston has endured shame, embarrassment, humiliation, and mental pain and anguish. Plaintiff Buccaneer has suffered loss of reputation, good name and standing in the business community. Additionally, Plaintiffs have and will in the future be seriously injured in their reputation, good name, standing in the community, and will be exposed to the hatred, contempt, and ridicule of the public in general as well as of their business associates, clients, friends, and relatives. Consequently, the Plaintiffs seek actual damages in a sum within the jurisdictional limits of this Court.
13. The Plaintiffs request that the Defendants be cited to appear and answer, and that on final trial the plaintiff have the following:
  - a. Judgment against Defendants for actual damages in a sum within the jurisdictional limits of the Court.
  - b. Judgment for exemplary damages against Defendants in a sum determined by the trier of fact.
  - c. Prejudgment and postjudgment interest as provided by law.
  - d. Costs of suit.
  - e. Such other and further relief to which Plaintiffs may be justly entitled.

Respectfully submitted,

  
\_\_\_\_\_  
Jesse Blanco, TBN 02449600  
Attorney for Debtor  
P.O. Box 680875  
San Antonio, Texas 78268  
210.509.6925 Telephone  
210.509.6903 Facsimile  
lawyerjblanco@gmail.com

FILED FOR DEB  
K. AUSTIN  
2009 OCT -9 PM 2:20  
SAN ANTONIO  
DISTRICT CLERK  
BY  DEPUTY

**CITATION-NON RESIDENT NOTICE, Either Court Class 4  
THE STATE OF TEXAS**

**Cause # 79695-86**

**NOTICE TO THE RESPONDENT:** "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 o'clock a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

**TO:**

**Walter Reissman  
400 Rella Blvd  
Montebello NY 10901**

**Respondent, Greetings:**

**YOU ARE HEREBY COMMANDED** to appear by filing a written answer to Plaintiff's Plaintiffs' Original Petition at or before ten o'clock a.m. of the Monday next after the expiration of 20 days from the date of service of this citation before the Honorable 86th District Court of Kaufman County, Texas, at the Courthouse of said County in Kaufman, Texas.

Said Plaintiff's Petition was filed in said Court, on the 9th day of October, 2009, in this cause, numbered 79695-86 on the docket of said Court and styled Joseph "Chip" Langston, Buccaneer Energy Corporation Vs. Walter Reissman, Joseph Tovey, et al.

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's Plaintiffs' Original Petition, accompanying this citation.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates hereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at Kaufman, Texas, this on this the 10th day of March, 2010.

**SANDRA FEATHERSTON  
DISTRICT CLERK**

100 W Mulberry St

Kaufman, TX 75142

by

Rhonda Hughey

Deputy

**Attorney for Plaintiff:**

**Jesse Blanco  
PO Box 680875  
San Antonio TX 78268**

## SHERIFF'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and executed in \_\_\_\_\_ County, \_\_\_\_\_ by delivering to each of the within named defendants, in person, a true copy of this citation, having first endorsed thereon the date of delivery, together with the accompanying true and correct copy of the Plaintiff's petition, at the following times and places, to-wit:

| NAME | TIME<br>YR/MO/DA/HR/MI/.M | PLACE, COURSE & DISTANCE<br>FROM THE COURTHOUSE | MILEAGE COST |
|------|---------------------------|-------------------------------------------------|--------------|
|      |                           |                                                 |              |

And not executed as to the defendant \_\_\_\_\_ the diligence used in finding said defendant, being: \_\_\_\_\_ and the cause of failure to execute this process is: \_\_\_\_\_ and the information received as to the whereabouts of the said defendant being \_\_\_\_\_.

I am a disinterested person competent to make oath of the fact:

I actually and necessarily traveled \_\_\_\_\_ miles in the service of this writ in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

FEE-Serving \_\_\_\_\_ cop \_\_\_\_\_ \$ \_\_\_\_\_  
 Mileage \_\_\_\_\_ miles \$ \_\_\_\_\_  
 Total \_\_\_\_\_ \$ \_\_\_\_\_

Subscribed and sworn to by \_\_\_\_\_ before me, the undersigned authority, this \_\_\_\_\_ day of \_\_\_\_\_.

## CERTIFICATE OF DELIVERY

I do hereby certify that I delivered to \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ M., this copy of this instrument.

- **Rule 107 Verification:** Subscribed and sworn to by the above named \_\_\_\_\_ before me this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to certify which witness my hand and seal of office.

\_\_\_\_\_  
 Person Administering Oath

**CITATION-NON RESIDENT NOTICE, Either Court Class 4  
THE STATE OF TEXAS**

**Cause # 79695-86**

NOTICE TO THE RESPONDENT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 o'clock a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO:  
**Joseph Tovey**  
**40 Wall St**  
**New York NY 10005**

Respondent, Greetings:

YOU ARE HEREBY COMMANDED to appear by filing a written answer to Plaintiff's Plaintiffs' Original Petition at or before ten o'clock a.m. of the Monday next after the expiration of 20 days from the date of service of this citation before the Honorable 86th District Court of Kaufman County, Texas, at the Courthouse of said County in Kaufman, Texas.

Said Plaintiff's Petition was filed in said Court, on the 9th day of October, 2009, in this cause, numbered 79695-86 on the docket of said Court and styled Joseph "Chip" Langston, Buccaneer Energy Corporation Vs. Walter Reissman, Joseph Tovey, et al.

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's Plaintiffs' Original Petition, accompanying this citation.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates hereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at Kaufman, Texas, this on this the 10th day of March, 2010.

SANDRA FEATHERSTON  
DISTRICT CLERK

100 W Mulberry St  
Kaufman, TX 75142

by

  
Rhonda Hughey

Deputy

Attorney for Plaintiff:  
**Jesse Blanco**  
**PO Box 680875**  
**San Antonio TX 78268**

## SHERIFF'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and executed in \_\_\_\_\_ County, \_\_\_\_\_ by delivering to each of the within named defendants, in person, a true copy of this citation, having first endorsed thereon the date of delivery, together with the accompanying true and correct copy of the Plaintiff's petition, at the following times and places, to-wit:

| NAME | TIME<br>YR/MO/DA/HR/MI/M | PLACE, COURSE & DISTANCE<br>FROM THE COURTHOUSE | MILEAGE COST |
|------|--------------------------|-------------------------------------------------|--------------|
|      |                          |                                                 |              |

And not executed as to the defendant, \_\_\_\_\_, the diligence used in finding said defendant, being: \_\_\_\_\_ and the cause of failure to execute this process is: \_\_\_\_\_ and the information received as to the whereabouts of the said defendant being \_\_\_\_\_.

I am a disinterested person competent to make oath of the fact.

I actually and necessarily traveled \_\_\_\_\_ miles in the service of this writ in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

FEE-Serving \_\_\_\_\_ cop \_\_\_\_\_ \$ \_\_\_\_\_  
 Mileage \_\_\_\_\_ miles \$ \_\_\_\_\_  
 Total \_\_\_\_\_ \$ \_\_\_\_\_

Subscribed and sworn to by \_\_\_\_\_ before me, the undersigned authority, this \_\_\_\_\_ day of \_\_\_\_\_.

## CERTIFICATE OF DELIVERY

I do hereby certify that I delivered to \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ M., this copy of this instrument.

- **Rule 107 Verification:** Subscribed and sworn to by the above named \_\_\_\_\_ before me this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to certify which witness my hand and seal of office.

\_\_\_\_\_  
 Person Administering Oath



**CITATION-NON RESIDENT NOTICE, Either Court Class 4  
THE STATE OF TEXAS**

**Cause # 79695-86**

NOTICE TO THE RESPONDENT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 o'clock a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO:  
**Andrew Kimmins  
HSSL 14 Rue de  
Rhone Geneva CH-1200**

Respondent, Greetings:

YOU ARE HEREBY COMMANDED to appear by filing a written answer to Plaintiff's Plaintiffs' Original Petition at or before ten o'clock a.m. of the Monday next after the expiration of 20 days from the date of service of this citation before the Honorable 86th District Court of Kaufman County, Texas, at the Courthouse of said County in Kaufman, Texas.

Said Plaintiff's Petition was filed in said Court, on the 9th day of October, 2009, in this cause, numbered 79695-86 on the docket of said Court and styled Joseph "Chip Langston, Buccaneer Energy Corporation Vs. Walter Reissman, Joseph Tovey, et al.

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's Plaintiffs' Original Petition, accompanying this citation.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates hereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at Kaufman, Texas, this on this the 10th day of March, 2010.

SANDRA FEATHERSTON  
DISTRICT CLERK  
100 W Mulberry St

Kaufman, TX 76142

by  Deputy  
Rhonda Hughey

Attorney for Plaintiff:  
Jesse Blanco  
PO Box 680875  
San Antonio TX 78268

## SHERIFF'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and executed in \_\_\_\_\_ County, \_\_\_\_\_ by delivering to each of the within named defendants, in person, a true copy of this citation, having first endorsed thereon the date of delivery, together with the accompanying true and correct copy of the Plaintiff's petition, at the following times and places, to-wit:

| NAME | TIME<br>YR/MO/DA/HR/MI/M | PLACE, COURSE & DISTANCE<br>FROM THE COURTHOUSE | MILEAGE COST |
|------|--------------------------|-------------------------------------------------|--------------|
|      |                          |                                                 |              |

And not executed as to the defendant, \_\_\_\_\_ the diligence used in finding said defendant, being: \_\_\_\_\_ and the cause of failure to execute this process is: \_\_\_\_\_ and the information received as to the whereabouts of the said defendant being \_\_\_\_\_.

I am a disinterested person competent to make oath of the fact.

I actually and necessarily traveled \_\_\_\_\_ miles in the service of this writ in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

FEE-Serving \_\_\_\_\_ cop \_\_\_\_\_ \$ \_\_\_\_\_

Mileage \_\_\_\_\_ miles \$ \_\_\_\_\_

Total \_\_\_\_\_ \$ \_\_\_\_\_

Subscribed and sworn to by \_\_\_\_\_ before me, the undersigned authority, this \_\_\_\_\_ day of \_\_\_\_\_.

## CERTIFICATE OF DELIVERY

I do hereby certify that I delivered to \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., this copy of this instrument.

- **Rule 107 Verification:** Subscribed and sworn to by the above named \_\_\_\_\_ before me this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to certify which witness my hand and seal of office.

\_\_\_\_\_  
Person Administering Oath

CAUSE NO. 79695-86

|                        |   |                        |
|------------------------|---|------------------------|
| IN RE:                 | § | IN THE DISTRICT COURT  |
|                        | § |                        |
| BUCCANEER ENERGY       | § |                        |
| CORPORATION, and       | § |                        |
| JOSEPH "CHIP" LANGSTON | § |                        |
| Plaintiffs             | § |                        |
|                        | § | 86th JUDICIAL DISTRICT |
| V.                     | § |                        |
|                        | § |                        |
| WALTER REISSMAN,       | § |                        |
| JOSEPH TOVEY, and      | § |                        |
| ANDREW KIMMINS         | § | KAUFMAN COUNTY, TEXAS  |

---

**DEFENDANT'S NOTICE OF FILING OF NOTICE OF REMOVAL**

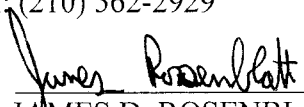
---

On March 31, 2010, Defendants Glen Rose Petroleum Corp. ("Glen Rose"), filed the attached notice of removal in the Office of the Clerk of the United States District Court for the Northern District of Texas, Dallas Division.

Respectfully submitted,


**The Rosenblatt Law Firm, P.C.**

4103 Parkdale Street  
San Antonio, Texas 78229  
Tel: (210) 562-2900  
Fax: (210) 562-2929

By:   
JAMES D. ROSENBLATT  
State Bar No. 00788320

SHAN MARIE EGLISKIS  
State Bar No. 24059712

ATTORNEYS FOR DEFENDANTS

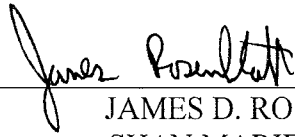
KAUFMAN COUNTY  
TEXAS  
28 MAR 31 AM 9:48  
CLERK OF DISTRICT COURT  
DEPUTY  
BY 

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of DEFENDANTS' NOTICE OF FILING OF NOTICE OF REMOVAL was served via facsimile transmission and/or regular U.S. mail, postage pre-paid, to the following counsel of record, on this 31st day of March, 2010:

Jesse Blanco  
P.O. Box 680875  
San Antonio, Texas 78268  
Phone – (210) 509-6925  
Fax – (210) 509-6903

Via Facsimile (210) 509-6903

A handwritten signature in black ink, appearing to read "James D. Rosenblatt", is written over a horizontal line.

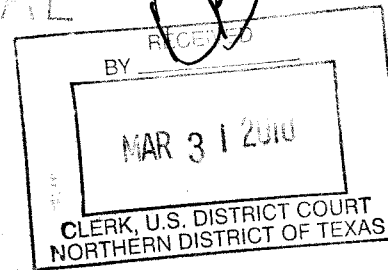
JAMES D. ROSENBLATT  
SHAN MARIE EGLISKIS

3-2010-630-B

United States District Court  
Northern District of Texas

ORIGINAL

Supplemental Civil Cover Sheet For Cases Removed  
From State Court



This form must be attached to the Civil Cover Sheet at the time the case is filed in the U.S. District Clerk's Office. Additional sheets may be used as necessary.

1. State Court Information:

Please identify the court from which the case is being removed and specify the number assigned to the case in that court.

Court

86th District Court  
Kaufman County, Texas

Case Number

Cause No. 79695-86

2. Style of the Case:

Please include all Plaintiff(s), Defendant(s), Intervenor(s), Counterclaimant(s), Crossclaimant(s) and Third Party Claimant(s) still remaining in the case and indicate their party type. Also, please list the attorney(s) of record for each party named and include their bar number, firm name, correct mailing address, and phone number (including area code.)

Party and Party Type

In re:  
Buccaneer Energy Corporation, and  
Joseph "Chip" Langston, Plaintiffs  
v.  
Walter Reissman, Joseph Tovey,  
and Andrew Kimmins, Defendants

Attorney(s)

Plaintiffs: Jesse Blanco  
TBN: 02449600  
P.O. Box 680875  
San Antonio, Texas 78268  
(210) 509-6925  
Defendants: James D. Rosenblatt  
The Rosenblatt Law Firm  
4103 Parkdale  
San Antonio, Texas 78229  
(210) 562-2900

3. Jury Demand:

Was a Jury Demand made in State Court?

☐ Yes

☒ No

If "Yes," by which party and on what date?

\_\_\_\_\_  
Party

\_\_\_\_\_  
Date

**Supplemental Civil Cover Sheet**  
**Page 2**

4. **Answer:**

Was an Answer made in State Court?

☐ Yes

☒ No

If "Yes," by which party and on what date?

\_\_\_\_\_  
Party

\_\_\_\_\_  
Date

5. **Unserved Parties:**

The following parties have not been served at the time this case was removed:

**Party**

Walter Reissman  
Joseph Tovey

**Reason(s) for No Service**

To date, the listed parties have not been properly served, but have been made aware of the suit.

6. **Nonsuited, Dismissed or Terminated Parties:**

Please indicate any changes from the style on the State Court papers and the reason for that change:

**Party**

N/A

**Reason**

7. **Claims of the Parties:**

The filing party submits the following summary of the remaining claims of each party in this litigation:

**Party**

Buccaneer Energy Company  
Joseph "Chip" Langston

**Claim(s)**

Defamation

JS 44 (TXND Rev. 2/10)

## CIVIL COVER SHEET

ORIGINAL

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

Buccaneer Energy Corporation &amp; Joseph "Chip" Langston

## DEFENDANTS

Walter Reissman, Joseph Tovey, and Andrew Kimmins

(b) County of Residence of First Listed Plaintiff Kaufman Co., TX  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Rockland Co., NY  
(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Jesse Blanco

P.O. Box 680875

San Antonio, Texas 78268 Phone: (210) 509-6925

Attorneys (Firm Name, Address, and Telephone Number)

The Rosenblatt Law Firm

P.O. Box 680875

San Antonio, Texas 78229 Phone: (210) 562-2900

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |                                         |                                       |                                                               |                            |
|-----------------------------------------|---------------------------------------|---------------------------------------------------------------|----------------------------|
| PTF                                     | DEF                                   | PTF                                                           | DEF                        |
| <input checked="" type="checkbox"/> 1   | <input type="checkbox"/> 1            | <input checked="" type="checkbox"/> 4                         | <input type="checkbox"/> 4 |
| Citizen of This State                   |                                       | Incorporated or Principal Place of Business In This State     |                            |
| <input type="checkbox"/> 2              | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 5                                    | <input type="checkbox"/> 5 |
| Citizen of Another State                |                                       | Incorporated and Principal Place of Business In Another State |                            |
| <input type="checkbox"/> 3              | <input checked="" type="checkbox"/> 3 | <input type="checkbox"/> 6                                    | <input type="checkbox"/> 6 |
| Citizen or Subject of a Foreign Country |                                       | Foreign Nation                                                |                            |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | TORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | FORFEITURE/PENALTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | BANKRUPTCY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | OTHER STATUTES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input checked="" type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury<br><b>PERSONAL INJURY</b><br><input type="checkbox"/> 362 Personal Injury - Med. Malpractice<br><input type="checkbox"/> 365 Personal Injury - Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 610 Agriculture<br><input type="checkbox"/> 620 Other Food & Drug<br><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 630 Liquor Laws<br><input type="checkbox"/> 640 R.R. & Truck<br><input type="checkbox"/> 650 Airline Regs.<br><input type="checkbox"/> 660 Occupational Safety/Health<br><input type="checkbox"/> 690 Other<br><b>LABOR</b><br><input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Mgmt. Relations<br><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act<br><b>IMMIGRATION</b><br><input type="checkbox"/> 462 Naturalization Application<br><input type="checkbox"/> 463 Habeas Corpus - Alien Detainee<br><input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 840 Trademark<br><b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 810 Selective Service<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input type="checkbox"/> 875 Customer Challenge 12 USC 3410<br><input type="checkbox"/> 890 Other Statutory Actions<br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 892 Economic Stabilization Act<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 894 Energy Allocation Act<br><input type="checkbox"/> 895 Freedom of Information Act<br><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice<br><input type="checkbox"/> 950 Constitutionality of State Statutes |
| <b>REAL PROPERTY</b><br><input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property                                                                                                                                                                                                                                                                                                                                                   | <b>CIVIL RIGHTS</b><br><input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/Accommodations<br><input type="checkbox"/> 444 Welfare<br><input type="checkbox"/> 445 Amer. w/Disabilities - Employment<br><input type="checkbox"/> 446 Amer. w/Disabilities - Other<br><input type="checkbox"/> 440 Other Civil Rights                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>PRISONER PETITIONS</b><br><input type="checkbox"/> 510 Motions to Vacate Sentence<br><b>Habeas Corpus:</b><br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

## V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. § 1446(a)

Brief description of cause:

Plaintiff sued Defendants for defamation in Texas District Court.

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ 75,001.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

## VIII. RELATED CASE(S) (See instructions) PENDING OR CLOSED:

JUDGE

DOCKET NUMBER

DATE 03/31/2010

SIGNATURE OF ATTORNEY OF RECORD

James D. Rosenblatt

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_